

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services – Prisons Department – Implementation of orders of Hon'ble High Court in W.P.No.1418 of 2011- Regularization of the period from 01-05-2003 to 15-01-2004 as 'on duty' and pay 70% of the pay and other allowances in full apart from increments as usual- Orders – Issued.

HOME (PRISONS&FIRE SERVICES) DEPARTMENT

G.O.RT.No. 1307

DATED: 26-11-2014
Read the following:-

1. From the DG & IGP & CS., AP., Hyderabad, Lr No. EB2/550/2009, dated 28-07-2010.
2. Memo.No.22822/PRI.A/A1/2010,Dated:30-10-2010.
3. From the Deputy Registrar, APAT., Hyderabad, Notice, Dated:31-01-2011
4. Govt.Memo No.22822/Pri/A1/2010-2, dated 23-11-2011.
- 5.From the Hon'ble APAT Order in C.A.No.25 Of 2011 in O.ANo.9549 of 2008 dated 20-02-2013.
6. Govt., Memo No.22822/Pri.A/A1/2010, dated 21-03-2013.
7. From the Director General of Prisons & Correctional Services, A.P.,Hyderabad,Letter No.LC2/EB2/550/2008,dated:19-08-2013.
8. From the Hon'ble High Court of A.P., Hyderabad, order dated:22-03-2012 in W.P.No.1418 of 2011C.A.No.25 Of 2011.

ORDER:

The Director General of Prisons and Correctional Services, A.P., Hyderabad in the reference 1st read above, has stated that Sri K. Yehoshuva was sponsored by the District Employment Office, West Godavari District, Eluru. He was selected and appointed as Scavenger-cum-Thoti temporarily in Sub-Jail, Tadepalligudem by the District Sub Jails Officer, Eluru, vide proceedings No. DSJO/1766-73/95, dated 30-10-1995 under 10 (a) (i) (1) of General Rules r/w Rule 7 (a) of A.P.Last Grade Service Rules. He joined duty at Sub-Jail, Tadepalligudem as Scavenger-cum-Thoti on 03-11-1995. His services were regularized w.e.f 03-11-1995 FN and his probation was declared on 02-11-1997 vide proceedings No. DSJO/1829/98, dated 16-12-1998. Subsequently, in terms of Act 2 of 1994, the District Sub Jails Officer, Eluru, terminated the services of Sri K. Yehoshuva w.e.f. 30-04-2003 FN as there was no sanctioned post of Scavenger-cum-Thoti at Sub-Jail, Tadepalligudem of West Godavari District vide his proceedings No. DSJO/1431-35/2003, dated 30-04-2003.

2. Aggrieved by the above order, Sri K. Yehoshuva, filed OA No. 2999 of 2003 before the Hon'ble APAT., Hyderabad. The Hon'ble APAT., Hyderabad, in its common order, dated:07-05-2003, have concluded that the termination order have been passed without following the principles of natural justice. Accordingly, the Hon'ble APAT., Hyderabad, declared the order of termination as illegal and directed the authorities to take action in accordance with the principles of natural justice.

3. As per the said orders of Hon'ble APAT., Hyderabad, the Superintendent, Sub-Jail, Tadepalligudem, has reinstated Sri K. Yehoshuva into service and taken him into duty w.e.f.16-01-2004 as Scavenger-cum-Thoti at Sub-Jail, Tadepalligudem. The individual was terminated from service w.e.f 30-04-2003 and taken back into service w.e.f. 16-01-2004. Thus, he was out of duty between the period from 01-05-2003 to 15-01-2004(8 months and 15 days).

4. Subsequently, Sri K. Yehoshuva, Scavenger-cum-Thoti, field OA No. 9549 of 2008 before the Hon'ble APAT., Hyderabad, with a request to regularize the period from 01-05-2003 to 15-01-2004 and to pay salaries. The Hon'ble APAT., Hyderabad, in its interim order, dated 21-11-2008, directed the Respondents to pass appropriate orders on the representation of the applicant, dated 30-11-2006. Accordingly, the District Sub Jails Officer, Eluru, has issued proceedings No. DSJO/WG/ELR/1720-1724/2009, dated 16-04-2009 without regularizing the break up period from 01-05-2003 to 15-01-2004.

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5. The Hon'ble APAT, Hyderabad in its orders dated 06-09-2010 in O.A.No.9549 of 2008 have directed the respondents "to treat the period from 01-05-2013 to 15-01-2004 as duty and pay full pay and allowances to the applicant as per rules within a period of four weeks from the date of receipt of a copy of this order".

6. The District Sub-Jails Officer, Eluru was requested to file a Writ Appeal against the orders dated 06-09-2010 of the Hon'ble APAT, Hyderabad in the Hon'ble High Court of A.P., Hyderabad. Accordingly, a WP No.1418 of 2011 was filed.

7. The Hon'ble High Court of A.P., Hyderabad in its orders dated:22-03-2012 in W.P.No.1418 of 2011 have modified the orders of the Hon'ble APAT., Hyderabad directing the petitioners to treat the period from 01-05-2003 to 15-01-2004 as on duty and pay 70% of the pay and other allowances in full apart increments as usual.

8. Government, after careful consideration of the matter and in view of the orders of the Hon'ble High Court of A.P., Hyderabad of 22-3-2012 hereby order to treat the period of break in service of Sri K. Yehoshuva, Scavenger-cum-Thoti at Sub-Jail, Tadepalligudem from 01-05-2003 to 15-01-2004 as on duty and pay 70% of the pay and other allowances in full apart from increments as usual.

9. The Director General of Prisons and Correctional Services, A.P., Hyderabad, shall take necessary action accordingly.

10. This orders issues with the concurrence of Finance (HRM.III) Department vide their U.O.No.2345/40/A1/HRM.III/2014, dated:14.10.2014.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. B.PRASADA RAO
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Director General of Prisons and Correctional Services, A.P., Hyderabad.

The individual **through** the Director General of Prisons and Correctional Services, A.P., Hyderabad.

Copy to:

The Accountant General A.P., Hyderabad.

The PAO., A.P., Hyderabad.

The DTA., A.P., Hyderabad.

The Finance (HRM.III) Department

SF/SC

//FORWARDED:: BY ORDER//

SECTION OFFICER